

HOUSE BILL 677 REREFERRED

On motion of Senator Farabee and by unanimous consent, H.B. 677 was withdrawn from the Committee on Health and Human Services and rereferred to the Committee on State Affairs.

HOUSE BILL 855 REREFERRED

On motion of Senator Caperton and by unanimous consent, H.B. 855 was withdrawn from the Committee on Economic Development and rereferred to the Committee on Jurisprudence.

MEMORIAL RESOLUTION

S.R. 495 - By Caperton: Memorial resolution for Herman Yezak.

CONGRATULATORY RESOLUTIONS

H.C.R. 136 - (Lyon): Extending congratulations to Temple Beth El of Tyler on its 100th anniversary.

S.R. 490 - By Tejada: Extending congratulations to Terry Donahue.

S.R. 491 - By Johnson: Recognizing the significance of "Cinco de Mayo" and urging the citizens of Grand Prairie and Dallas and throughout the State to join in celebrating this event.

S.R. 492 - By Truan: Honoring the Knights of Columbus and, in particular, the Texas State Council Knights of Columbus.

S.R. 493 - By Brown: Extending best wishes to the Gulf Coast Yacht Brokers Association and the Clear Lake Boating and Recreation Council for their Third Annual Spring Fling.

S.R. 494 - By Brown: Extending congratulations to Jennifer Thornton, Linnea Schlobohm, Charles Biggs, George Thirsk, Betty Finley, Cherie Newell, Ethel Smith, Diana Schliesing and Steven Remollino from the University of Houston-Clear Lake.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:31 p.m. adjourned until 11:00 a.m. Monday, May 4, 1987.

APPENDIX

Signed by Governor
(April 30, 1987)

S.B. 357 (Effective August 31, 1987)

Sent to Governor
(May 1, 1987)

S.C.R. 102

FIFTY-FIRST DAY
(Monday, May 4, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon,

McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our God and Provider, we pause this morning to offer thanks for this day and the blessings of good health. We pray today for all those who work, learn and achieve. We thank You for those who have guided, taught and disciplined us that we might be better. Help us that we might keep balance in our lives and equip us to encourage one another. In His name, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 1, 1987, was dispensed with and the Journal was approved.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Santiesteban and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1478 by Santiesteban State Affairs
Relating to abolishing a transit authority.

S.B. 1479 by Krier Economic Development
Relating to exempting from licensing and regulation certain bingo games conducted for promotional or advertising purposes and to the persons to whom a manufacturer of bingo materials may deliver bingo materials.

S.B. 1480 by Tejeda Intergovernmental Relations
Relating to the relocation of existing cemeteries in certain cities on approval of the governing body of the city.

S.B. 1481 by Henderson Natural Resources
Relating to the alteration and redefinition of the boundaries of Harris County Municipal Utility District No. 77.

S.B. 1482 by Brooks Intergovernmental Relations
Relating to participation in deferred compensation programs by employees of political subdivisions.

S.B. 1483 by Sarpalius Natural Resources
Relating to the creation, administration, powers, duties, operations, financing, authority to issue bonds and levy taxes, eminent domain authority, and organization of the Roberts County Water District.

S.B. 1484 by Sarpalius State Affairs
Relating to the offenses of driving while intoxicated and involuntary manslaughter involving the use of a motor vehicle and to the civil and criminal consequences of those offenses, including the suspension of a driver's license, and to an administrative suspension of the driver's license of a person operating a motor vehicle if the person is suspected of having an alcohol concentration of 0.10 or greater.

S.C.R. 112 by Sarpalius Administration
Establishing an interim committee to be named the Select Committee on High-Level Nuclear Waste.

S.C.R. 113 by Sarpalius Administration
Establishing a joint interim committee to be named the Special Joint Committee on the Juvenile Justice System.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House, were read the first time and referred to the Committee indicated:

H.C.R. 121, To Committee on Jurisprudence.
H.B. 8, To Committee on Finance.
H.B. 33, To Committee on Jurisprudence.
H.B. 162, To Committee on Economic Development.
H.B. 289, To Committee on Criminal Justice.
H.B. 323, To Committee on Jurisprudence.
H.B. 339, To Committee on Intergovernmental Relations.
H.B. 386, To Committee on Jurisprudence.
H.B. 390, To Committee on Economic Development.
H.B. 455, To Committee on Criminal Justice.
H.B. 458, To Committee on Criminal Justice.
H.B. 538, To Committee on Jurisprudence.
H.B. 575, To Committee on Jurisprudence.
H.B. 576, To Committee on Jurisprudence.
H.B. 577, To Committee on Jurisprudence.
H.B. 578, To Committee on Jurisprudence.
H.B. 579, To Committee on Jurisprudence.
H.B. 679, To Committee on Criminal Justice.
H.B. 705, To Committee on Jurisprudence.
H.B. 745, To Committee on Intergovernmental Relations.
H.B. 755, To Committee on Finance.
H.B. 782, To Committee on Intergovernmental Relations.
H.B. 792, To Committee on Natural Resources.
H.B. 876, To Committee on Health and Human Services.
H.B. 907, To Committee on Intergovernmental Relations.
H.B. 924, To Committee on Jurisprudence.
H.B. 935, To Committee on Health and Human Services.
H.B. 944, To Committee on Natural Resources.
H.B. 975, To Committee on Intergovernmental Relations.
H.B. 991, To Committee on Intergovernmental Relations.
H.B. 1025, To Committee on Jurisprudence.
H.B. 1051, To Committee on Finance.
H.B. 1138, To Committee on State Affairs.
H.B. 1175, To Committee on Criminal Justice.
H.B. 1230, To Committee on Economic Development.
H.B. 1330, To Committee on Natural Resources.
H.B. 1364, To Committee on State Affairs.
H.B. 1370, To Committee on Intergovernmental Relations.
H.B. 1551, To Committee on Finance.
H.B. 1582, To Committee on Natural Resources.
H.B. 1586, To Committee on Natural Resources.
H.B. 1604, To Committee on Intergovernmental Relations.
H.B. 1614, To Committee on Finance.
H.B. 1632, To Committee on Economic Development.
H.B. 1637, To Committee on State Affairs.
H.B. 1638, To Committee on State Affairs.
H.B. 1685, To Committee on Jurisprudence.
H.B. 1714, To Committee on Finance.
H.B. 1715, To Committee on Finance.
H.B. 1716, To Committee on Finance.

H.B. 1718, To Committee on Finance.
H.B. 1736, To Committee on Finance.
H.B. 1739, To Committee on Health and Human Services.
H.B. 1745, To Committee on Finance.
H.B. 1783, To Committee on Natural Resources.
H.B. 1787, To Committee on Natural Resources.
H.B. 1788, To Committee on Natural Resources.
H.B. 1811, To Committee on Natural Resources.
H.B. 1835, To Committee on Economic Development.
H.B. 1867, To Committee on Finance.
H.B. 1950, To Committee on Intergovernmental Relations.
H.B. 1958, To Committee on Jurisprudence.
H.B. 1959, To Committee on Jurisprudence.
H.B. 1960, To Committee on Jurisprudence.
H.B. 1963, To Committee on Economic Development.
H.B. 1965, To Committee on Criminal Justice.
H.B. 2002, To Committee on State Affairs.
H.B. 2082, To Committee on Finance.
H.B. 2091, To Committee on Natural Resources.
H.B. 2140, To Committee on Health and Human Services.
H.B. 2164, To Committee on Intergovernmental Relations.
H.B. 2206, To Committee on Finance.
H.B. 2220, To Committee on Criminal Justice.
H.B. 2301, To Committee on Intergovernmental Relations.
H.B. 2303, To Committee on Intergovernmental Relations.
H.B. 2325, To Committee on Natural Resources.
H.B. 2462, To Committee on Education.
H.B. 2507, To Committee on Natural Resources.
H.B. 2509, To Committee on Intergovernmental Relations.

CO-AUTHOR OF SENATE BILL 579

On motion of Senator Montford and by unanimous consent, Senator Caperton will be shown as Co-author of **S.B. 579**.

CO-AUTHOR OF SENATE BILL 1442

On motion of Senator Lyon and by unanimous consent, Senator Harris will be shown as Co-author of **S.B. 1442**.

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolution:

S.C.R. 42
S.B. 311
S.B. 320
S.B. 389
S.B. 429
S.B. 436
S.B. 468
S.B. 483
S.B. 495
S.B. 565
S.B. 584
H.B. 16
H.B. 254

H.B. 442
H.B. 506
H.B. 623
H.B. 783
H.B. 917
H.B. 1279
H.B. 1280

REPORTS OF STANDING COMMITTEES

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 1357
C.S.S.B. 1371
H.B. 1248
S.B. 604
S.B. 605
S.B. 397 (Amended)
S.B. 1477
C.S.S.B. 1369
C.S.S.B. 1049
C.S.S.B. 976

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

H.B. 367
S.B. 1239
C.S.H.B. 514
C.S.S.B. 1327

MESSAGE FROM THE HOUSE

House Chamber
May 4, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 164, Congratulating James and Mary Lou Moore on the birth of Amanda Noelle Moore.

Respectfully,
BETTY MURRAY, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Montford was recognized and introduced the Capitol Physician for the Day, Dr. Morris Knox of Brownfield.

Dr. Knox, accompanied by his wife, Janice, was welcomed and received an expression of appreciation for his service.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 1, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TEXAS
HOUSING AGENCY:

For a term to expire January 31, 1993:

KENNETH DeJARNETT
3401 Express, #B
Garland, Texas 75041

Mr. DeJarnett will be replacing Kenneth J. Fuqua of Houston whose term expired.

TO BE A MEMBER OF THE TEXAS HOSPITAL EQUIPMENT FINANCING
COUNCIL:

For a term to expire July 17, 1987:

NANCY JUNE HUGGINS
The First Boston Corp.
4911 Renaissance Tower
Dallas, Texas 75270

Ms. Huggins will be filling the unexpired term of Terrie Lynn Brown of Houston who resigned.

TO BE A MEMBER OF THE TEXAS BOARD OF HEALTH:

For a term to expire February 1, 1993:

LARRY D. KRUPALA
P. O. Box 807
Cuero, Texas 77954

Mr. Krupala will be replacing Ben M. Durr of Uvalde whose term expired.

TO BE A MEMBER OF THE TEXAS COMMISSION FOR THE DEAF:

For a term to expire January 31, 1993:

MELINDA FRY MCKEE
Deaf Student Services
Texas State Technical Institute
Waco, Texas 76705

Ms. McKee will be replacing Texanna Conn of Austin whose term expired.

TO BE MEMBERS OF THE TEXAS OPTOMETRY BOARD:

For terms to expire January 31, 1993:

FLOYD L. THORNTON, O.D.
1620 11th Street, Suite 1
Wichita Falls, Texas 76301

Dr. Thornton will be replacing John W. Davis of Dallas whose term expired.

MARILYN KAY WALLS
701 Hyde Park Boulevard
Cleburne, Texas 76031

Mrs. Walls will be replacing Gary E. Griffith of Dallas whose term expired.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

HOUSE BILL 1678 REREFERRED

On motion of Senator Harris and by unanimous consent, H.B. 1678 was withdrawn from the Committee on State Affairs and rereferred to the Committee on Economic Development.

SENATE RESOLUTION 503

Senator Glasgow offered the following resolution:

WHEREAS, One of the most determined small cities in Texas, Mineral Wells has survived economic hardships to become one of the most thriving and prosperous communities in North Texas; and

WHEREAS, Founded in the late 1800s and located in eastern Palo Pinto County, Mineral Wells takes great pride in its rich heritage; and

WHEREAS, In 1877, a quirk of fate led to the discovery of a water well that seemed to have curative powers; people began traveling from near and far to bathe in and drink this "Crazy Water"; Mineral Wells grew from four wells, surrounded by tent cities, to a resort community with 400 wells nestled amidst bath houses, boarding houses, and hotels; and

WHEREAS, The city continued to develop its industries around health seekers and tourists during the Depression years; with the formation of the Federal Food and Drug Administration, the popularity of "taking the water" decreased; and

WHEREAS, After Fort Wolters closed in 1973, far-sighted actions of city fathers and the Chamber of Commerce led the citizens to a speedy recovery; today, that facility is the thriving Wolters Industrial Area, which houses a host of nationally-known corporations and is one of two industrial parks; and

WHEREAS, Now a center for recreation, retired persons, health seekers, and conventioners, this illustrious city has industries that produce clay, plastic, and aluminum products, aircraft equipment, clothing, boxes, and industrial filters; and

WHEREAS, Offering first-rate medical care, the Palo Pinto General Hospital is a modern 120-bed hospital located on 40 acres in Mineral Wells; owned and operated by the local hospital district, this outstanding hospital has some of the most modern equipment of any hospital in the North Texas area; and

WHEREAS, Possum Kingdom Lake, Lake Palo Pinto, and Lake Mineral Wells provide opportunities for excellent fishing, hunting, and water sports; wild game is abundant and this area is known for the plentiful white-tailed deer, doves, quail, turkeys, and squirrels; and

WHEREAS, Tourists are also attracted to the Texas Health Festival each June and come from many parts of the country; when they shop in Mineral Wells, they are greeted with a smile and are treated with friendliness and courtesy; and

WHEREAS, Even though Mineral Wells is noted for its vibrant economy, its exciting recreational facilities, its outstanding educational opportunities, its excellent health care, its strong industrial base, and its healthy business climate, one of its chief assets remains its warm and hospitable people; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby commend and applaud Mineral Wells, Texas, for its many significant contributions to the State of Texas; and, be it further

RESOLVED, That a copy of this resolution be prepared for the City of Mineral Wells as an expression of highest esteem from the Texas Senate.

The resolution was read and was adopted viva voce vote.

HOUSE BILL 943 REREFERRED

On motion of Senator Green and by unanimous consent, **H.B. 943** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Intergovernmental Relations.

(Senator Brooks in Chair)

SENATE BILL 26 WITH HOUSE AMENDMENT

Senator Barrientos called **S.B. 26** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment - Danburg

Amend **S.B. 26** by striking the word "before" on page 1, line 12 and substituting in lieu thereof the word "after."

The amendment was read.

Senator Barrientos moved to concur in the House amendment.

The motion prevailed viva voce vote.

HOUSE BILL 1030 REREFERRED

On motion of Senator Sims and by unanimous consent, **H.B. 1030** was withdrawn from the Committee on Education and rereferred to the Committee on Natural Resources.

(President in Chair)

SENATE BILL 803 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 803, Relating to controlled substances in emergency medication kits.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 803 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 803** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MOTION TO PLACE**COMMITTEE SUBSTITUTE SENATE BILL 1169 ON SECOND READING**

Senator Edwards moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1169, Relating to the Sunset Advisory Commission and the review of certain agencies by the commission.

On motion of Senator Edwards and by unanimous consent, the motion to suspend the regular order was withdrawn.

(Senator Glasgow in Chair)

**COMMITTEE SUBSTITUTE SENATE BILL 647
ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 647, Relating to the issuance of obligations by certain transportation authorities.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Johnson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 647
ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 647** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Johnson, Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Johnson.

(President in Chair)

**COMMITTEE SUBSTITUTE SENATE BILL 720
ON SECOND READING**

On motion of Senator Parmer and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 720, Relating to coverage of mammography screening under accident and sickness insurance policies and medicare supplement policies.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 720
ON THIRD READING**

Senator Parmer moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 720** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 426 ON SECOND READING

Senator Uribe moved to suspend the regular order of business to take up for consideration at this time:

S.B. 426, Relating to eligibility for the board of trustees of the Texas Municipal Retirement System.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Anderson, Armbrister, Barrientos, Brooks, Caperton, Edwards, Farabee, Glasgow, Green, Johnson, Krier, Lyon, McFarland, Parmer, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Blake, Brown, Harris, Henderson, Jones, Leedom, Montford, Sarpalius, Sims.

Absent: Parker, Santiesteban, Washington.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1280
ON THIRD READING**

Senator Parmer moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 1280, Relating to the right of unpaid parental leave for employees of the state of Texas; employment protection and maintenance of benefits for those exercising the right; including prohibition of coercion of those exercising the right; and providing for enforcement.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Anderson, Armbrister, Barrientos, Brooks, Caperton, Edwards, Farabee, Green, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Blake, Brown, Glasgow, Harris, Henderson, Jones, Leedom, Sims.

Absent: Sarpalius, Washington.

The bill was read third time and was finally passed viva voce vote.

RECORD OF VOTES

Senators Glasgow and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1162 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1162, Relating to the regulation of child-care facilities.

The bill was read second time.

Senator Brooks offered the following committee amendment to the bill:

Amend Section 2, of **S.B. 1162** on page 1, by striking the words "SUSPENSION OR EVALUATION" on lines 13-14 and adding the words SUSPENSION, EVALUATION OR PROBATION.

Amend Section 2, Subsections (c) and (e) of **S.B. 1162** on page 2, lines 4, 5, 7, and 23 by adding the following language after the word "evaluation":

or probation

Amend Section 2, Subsection (c) of **S.B. 1162** on page 2, line 9 by adding the words or probation after the word "evaluation" and before the word "period,".

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 1162 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1162** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

SENATE BILL 810 ON SECOND READING

Senator Parker moved to suspend the regular order of business to take up for consideration at this time:

S.B. 810, Relating to notification to parents of the lack of certification of teachers.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Henderson, Johnson, Krier, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Jones, Leedom, Lyon, Sims.

Absent: Harris.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Jones asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 810 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 810** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Johnson, Krier, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Jones, Leedom, Lyon, Sims, Washington.

Absent: Green.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Jones, Leedom, Lyon and Sims asked to be recorded as voting "Nay" on the final passage of the bill.

BILLS REREFERRED

On motion of Senator Tejeda and by unanimous consent, the following bills were withdrawn from the Committee on Criminal Justice and rereferred to the Committee on Jurisprudence:

S.B. 1077

S.B. 1115

H.B. 573

SENATE RULE 103 SUSPENDED

On motion of Senator Edwards and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Nominations might meet tomorrow at 8:30 a.m. instead of at 9:30 a.m., the posted time.

MEMORIAL RESOLUTIONS

S.R. 497 - By Truan: Memorial resolution for Betty Jo Rabon.

S.R. 501 - By Brooks: Memorial resolution for H. K. "Griz" Eckert.

S.R. 502 - By Brooks: Memorial resolution for Dave L. Gates.

CONGRATULATORY RESOLUTIONS

S.R. 496 - By Zaffirini: Extending congratulations to Antonia G. Gonzalez.

S.R. 498 - By Barrientos: Commending all students nominated as Outstanding Hispanic Students for 1987.

S.R. 499 - By Barrientos: Commending all students nominated as Outstanding Hispanic Students for 1987.

S.R. 500 - By Sarpalius: Extending congratulations to Lucille Carver.

RECESS

On motion of Senator Brooks, the Senate at 12:21 p.m. took recess until 9:30 a.m. tomorrow.

APPENDIX

Sent to Governor
(May 4, 1987)

S.C.R. 42

S.B. 311

S.B. 320

S.B. 389

S.B. 429

S.B. 436

S.B. 468

S.B. 483

S.B. 495

S.B. 565

S.B. 584

FIFTY-FIRST DAY

(Continued)

(Tuesday, May 5, 1987)

AFTER RECESS

The Senate met at 9:30 a.m. and was called to order by the President.

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 1452

H.B. 1031

H.B. 952
H.B. 1195
H.B. 1263
H.B. 1812
C.S.S.B. 1353
C.S.S.B. 801

By unanimous consent, Senator Farabee submitted the following report for the Committee on State Affairs:

S.C.R. 96
H.C.R. 64
H.B. 572
H.B. 973
S.B. 1380
S.B. 22
S.B. 1251
S.B. 1047
S.B. 745
S.B. 990
C.S.S.B. 1446

By unanimous consent, Senator Harris submitted the following report for the Committee on Economic Development:

C.S.S.B. 1132

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 5, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE RED RIVER COMPACT COMMISSIONER OF TEXAS:

For a term to expire February 1, 1993:

NATHAN I. REITER, JR.

P. O. Box 6660

Texarkana, Texas 75505

Colonel Reiter will be replacing R. C. Slagle III of Sherman whose term expired.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Brooks and by unanimous consent, the Senate resolved into a Committee of the Whole Senate at 9:36 a.m.

The President appointed Senator Brooks Chairman of the Committee of the Whole Senate.

IN LEGISLATIVE SESSION

Senator Brooks called the Senate to order at 12:43 p.m. as In Legislative Session.

MESSAGE FROM THE HOUSE

House Chamber
May 5, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 191, Inviting Vice-President George Bush to address a joint session of the House and the Senate.

H.C.R. 190, Honoring a group of 5th grade students from Millsap Elementary School.

H.B. 2181, Relating to higher education, including the responsibilities, roles, funding and management of public agencies and institutions of higher education.

H.B. 2182, Relating to the testing of and remedial education opportunities for students at public institutions of higher education.

H.B. 2183, Relating to the curriculum at public institutions of higher education.

H.B. 1839, Relating to the Franklin Mountains State Park.

H.B. 678, Relating to membership and service credit in the Employees Retirement System of Texas for certain temporary employees.

H.B. 97, Relating to the eligibility of certain persons for certification as respiratory care practitioners.

H.B. 365, Relating to rights of inheritance by or from certain illegitimate children.

H.B. 1401, Relating to intellectual property policies of institutions of higher education.

S.B. 123, General Appropriations Bill. (Substituted and Amended)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 123 WITH HOUSE AMENDMENTS

Senator Jones called **S.B. 123** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

On motion of Senator Jones and by unanimous consent, the House amendments to **S.B. 123** were ordered not printed in the Journal.

SENATE RULE 74(a) SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 74(a), as it relates to the 24-hour layout rule on House amendments to a Senate bill, was suspended.

Senator Jones moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer (Senator Brooks in Chair) asked if there were any motions to instruct the Conference Committee on **S.B. 123** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Jones, Chairman; Farabee, Brooks, Caperton and Montford.

(President in Chair)

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Brooks and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.C.R. 114 by Brooks Education
Requesting the State Board of Education to amend 19 Texas Administrative Code 141.442(f) to permit teachers and administrators who were unable to take the required examination of basic skills prior to June 30, 1986, to be employed in the public schools on an emergency basis for a period not to exceed one school year.

S.B. 1485 by Green State Affairs
Relating to designating Beltway 8 as the Sam Houston Memorial Parkway.

S.B. 1486 by Glasgow Intergovernmental Relations
Relating to the creation, administration, powers, duties, operation, and financing of the Denton County Hospital District including the power to levy taxes, issue bonds, and take property by eminent domain.

S.B. 1487 by Brooks Education
Relating to the organization and operation of Texas A&M University at Galveston.

HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

H.B. 1621, To Committee on Economic Development.

SENATE RESOLUTION 506

Senator Truan offered the following resolution:

WHEREAS, The Cinco de Mayo is the festive day on which Mexico celebrates her struggle for independence from French intervention in the 19th century, being the date of the famous Battle of Puebla on May 5, 1862; and

WHEREAS, This battle was one of the most glorious victories in Mexican history, in which a Mexican army under the command of Texas born General Ignacio Zaragosa de Seguin, repelled the French army, retaining control of the city of Puebla; and

WHEREAS, The Puebla victory galvanized the people of Mexico by showing them they had the power to control their own destiny, and as a result of this battle they were inspired to unite as a nation in a common cause to end foreign intervention; and

WHEREAS, The French occupation of Mexico was part of a larger scheme to threaten the life of the United States, in that the French planned to govern Mexico and then support the Confederate States of America who were engaged in civil war, with the hope of permanently dividing the Union; and

WHEREAS, Many Tejanos and Texans served in the volunteer ranks of the Mexican Army during the historic Battle of Puebla on May 5, 1862; and

WHEREAS, Many Hispanic Texans trace their ancestral roots to Mexico and proudly join family and neighbors to the south in celebrating freedom; and

WHEREAS, It is entirely fitting that Mexican-Americans and all Texans should celebrate the day and pay tribute to General Ignacio Zaragosa de Seguin born in Goliad, Texas, in 1829, now, therefore, be it

RESOLVED, That the Senate of the 70th Legislature of the State of Texas hereby commemorate the heroism (of those who fought for independence on Cinco de Mayo), recognize the great value of the celebration in building a sense of community among Hispanic and Anglo citizens of this state, and encourage all Texans to take part in the upcoming festivities; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the government of the Republic of Mexico as a gesture of goodwill from the people of Texas.

TRUAN
SANTIESTEBAN
BARRIENTOS
ZAFFIRINI
URIBE
TEJEDA

The resolution was read.

On motion of Senator Glasgow and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan and by unanimous consent, the resolution was adopted viva voce vote.

SENATE RESOLUTION 490

Senator Tejeda offered the following resolution:

S.R. 490, Extending congratulations and best wishes to Terry Donahue, Austin Bureau Chief of the San Antonio Express-News, who will be joining United Press International in Atlanta on May 5, 1987.

The resolution was read.

GUEST PRESENTED

Mr. Donahue was escorted to the President's Rostrum by Senator Tejeda.

The President presented an enrolled copy of **S.R. 490**, adopted in the Senate on May 1, 1987, to Mr. Donahue.

CONGRATULATORY RESOLUTIONS

S.R. 504 - By Green: Proclaiming the week of October 25-31, 1987, as Texas Health Care Quality Assurance Week and declaring October 28, 1987, as Quality Assurance Professional Day.

S.R. 505 - By Green: Extending congratulations to the Rotary Boys Club, Houston, on its 35th anniversary.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:58 p.m. adjourned until 9:30 a.m. tomorrow.